

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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#4

In re Applicant:

Arkady MOLEV-SHTEIMAN

Serial No.: 09/529,163

Filed: April 10, 2000

For: METHOD OF EMULATING A  
SHIFT REGISTER USING A RAM



Group Art Unit:

Attorney  
Docket 968/32

Examiner:

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

RECEIVED  
10 MAY 2001  
Special Staff  
International Division

RECEIVED

FEB 12 2001

OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Sir:

This is in response to the United States Patent & Trademark Office Action mailed January 23, 2001 in which it was indicated that a response to a Notice of Missing Requirements was not filed, and as a result thereof, the application was deemed abandoned.

Applicant never received such Notice of Missing Requirements. In fact, no communication was received from the USPTO in connection with the instant application until receipt of the above Notice of Abandonment.

Attached hereto is a Declaration from the Applicant's representative Anthony J. Castorina, of 2001 Jefferson Davis Highway, Suite 207, Arlington, Virginia, who received all the mail addressed to the undersigned from the USPTO. In it, Mr. Castorina declares that as the sole occupant of the above address, he personally opens all the mail received at the above address that is addressed to the attorney of record, Mark Friedman. Mr. Castorina declares that he routinely records all items that require action or responses of Dr. Friedman in a mail log. Mr. Castorina further declares that he then personally packages all the mail directed to Dr. Friedman and forwards it in a Federal Express package to Dr. Friedman at his Tel Aviv address. Mr.

Castorina declares that he has personally reviewed all his entries from May 17, 2000 to June 17, 2000 and has included true copies thereof and has no Notice of Missing Requirements or any other USPTO office action recorded therein for the above identified patent application. Mr. Castorina further declares that from May 17, 2000 forward he never received any USPTO actions that had a response due date of July 17, 2000.

Applicant thus never received such Notice of Missing Requirements. In fact, no communication was received from the USPTO in connection with the instant application until receipt of the above Notice of Abandonment.

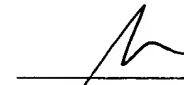
Also attached is a declaration from Dr. Mark M. Friedman, the attorney of record in which he declares that he personally opens all the Federal Express packages received from Mr. Castorina and immediately records on his database all actions received from the USPTO. He declares, based on the database of his, no such Notice of Missing Requirements or any other Office Action is recorded on the above identified application. Dr. Friedman further declares that he has reviewed the contents of the file jacket of the above-identified application and it does not contain the Notice of Missing Requirements allegedly mailed by the USPTO on May 17, 2000. Dr. Friedman declares that as a result, no such Notice of Missing Requirements or any other USPTO action was received by him with respect to this application.

Accordingly, pursuant to the holding of *Delgar, Inc. v. Schuyler*, 172 USPQ 513, Applicants have submitted sufficient facts to support the contention that the Notice of Missing Requirements was never received by Applicant's representatives.

In view of the above, the Notice of Abandonment should be withdrawn and a new Notice of Missing Requirements be mailed on the subject patent Application. It is believed that

this petition does not require a fee, but if one is required, authorization to charge Deposit  
Account 06-2140 is hereby granted.

Respectfully submitted,

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Mark M. Friedman  
Attorney for Applicant  
Registration No. 33,883

Date: February 4, 2001

## 4

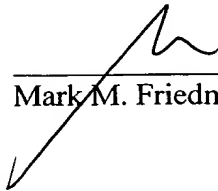
on my computer database made on Serial No. 09/529,163, identified by my docket 968/32. No entry of docketing a Notice of Missing Requirements or any other USPTO action appears thereon. This indicates that I never received a Notice of Missing Requirements or any other action on the above entitled application.

5. I have also reviewed the contents of the file jacket of the above-identified application and it does not contain the Notice of Missing Requirements allegedly mailed by the USPTO on May 17, 2000.
6. After having received the Notice of Abandonment dated January 23, 2001 on the subject patent application, for failure to respond to the Notification of Missing Requirements, I asked Mr. Castorina to review his records from May 17, 2000, the date of the alleged mailing of the Notice of Missing requirements, through June 17, 2000 a reasonable period after the date of the Office Action, to determine whether he had recorded receipt of such Notice of Missing Requirements or any other action on the above identified application. After reviewing his records, Mr. Castorina advised me that he had not recorded receipt of such a Notice or any other action in connection with the subject patent application, indicating that he had never received such Notice of Missing Requirements..
7. In view of the above I verily believe that such a Notice of Missing requirements had either not, in fact, been mailed or, if it had, then such Notice was subject to a misdelivery by the U.S. Post Office.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the

application or any patent issued thereon.

Signed this 5<sup>th</sup> day of February, 2001

  
\_\_\_\_\_  
Mark M. Friedman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Arkady MOLEV-SHTEIMAN

Serial No.: 09/529,163

Filed: April 10, 2000

For: METHOD OF EMULATING A  
SHIFT REGISTER USING A RAM

Examiner:

Commissioner of Patents and Trademarks  
Washington, D. C. 20231

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Group Art Unit:

Attorney  
Docket 968/32

**RECEIVED**

**FEB 12 2001**

**OFFICE OF PETITIONS**

DECLARATION IN SUPPORT OF PETITION

I, Anthony Castorina, of 2001 Jefferson Davis Highway, Suite 207, Arlington, Virginia, declare as follows:

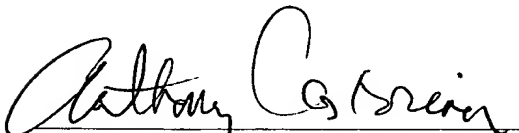
1. Since 1997 I have been the local correspondence address of Mark M. Friedman of Tel Aviv, Israel on all U. S. Patent and Trademark applications filed in the USPTO on which he is the attorney of record.
2. My duties and responsibilities as the local correspondent of Dr. Friedman is to receive, open, docket and forward all mail addressed to Dr. Friedman at the above address. I am the only one occupying the above address, and as such, personally open all the mail addressed to Dr. Friedman. I personally and routinely docket-in-a-log-all-USPTO actions addressed that are addressed to him that require some further action on his part. I then package all the mail received and personally deliver it to Federal Express in Arlington, Virginia for shipment to Dr. Friedman in Israel, and notify him of the Federal Express waybill number.
3. After having been informed by Dr. Friedman that he had received a Notice of Abandonment on the above identified application for failure to respond to a Notice of Missing Requirements, he instructed me to review my records from May 17, 2000 to June 17, 2000

to determine whether I had recorded receipt of such Notice of Missing Requirements or any other action around this time period for the subject patent application.

4. I thereupon reviewed my records for the time period requested by Dr. Friedman, and did not locate any notation of such Notice of Missing Requirements during the time period in question in my log book routinely kept by me. True copies of the pages from those entries are attached herewith.
5. As is evident from the attached docket sheets, no entry was made, and there is no record indicating receipt of USPTO actions that had a response due date of July 17, 2000. ✓
6. As such I can state with reasonable certainty that I never received such Notice of Missing Requirements or any other action with respect to this application at any time between May 17, 2000 and June 17, 2000.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 9<sup>TH</sup> day of February, 2001

  
Anthony Castorina



File #	968/32	Applicant	09/529,163	Issue N	
Country	US	Filing D	10-Apr-00	Issue D	
Type	PATENT	Relation	Parent File	Family	
Matter	FIFO				
Client	INFINEON				FAMILY
NASC					
Asc Ref		<div>DKT THIS FILE</div>			
Cl Ref		<div>Comment</div>			
Lawyer	Mark	<div>PRIOR PCT (968/22)</div>			
Status	Active				
Opened	14-Mar-00				
		<div>DUE ACTION</div>		<div>PACKAGE ENTRY</div>	
		<div>NO ACTION FILES</div>		<div>CONVERT</div>	
		<div>DUE REPORT</div>		<div>PRIOR PCT PCT</div>	
		<div>CLIENT REPORT</div>		<div>Update ODK</div>	
		<div>ODK VMT</div>		<div>SYNC ODK</div>	

DOCKET CURRENT FILE						
File	Action	Task Date	Target Date	OK	Done	Gener
968/32	US - OA pet to w/d abandonm	5-Feb-01	15-Feb-01	<input type="checkbox"/>	<input type="checkbox"/>	1-Jan-01

## MAIL RECEIVED DURING WEEK OF:

May 2000  
1 - 5

Reference No.	Serial No.	Date Received	Date Due
1576/20	09/185071	May 4, 2000	Aug. 4, 2000
1367/1	09/149032	May 4, 2000	Aug 4, 2000
246/57	09/285706	May 5, 2000	Aug 5, 2000
111917	09/209680	May 5, 2000	Jun 5, 2000
100/60	09/138398	May 5, 2000	Aug 5, 2000
1436/4	09/328406	May 5, 2000	Aug 5, 2000
1706/2	09/047105	May 5, 2000	Aug 5, 2000

## MAIL RECEIVED DURING WEEK OF:

May 2000  
8-12

Reference No.	Serial No.	Date Received	Date Due
916/10	09/312762	May 8, 2000	June 7, 2000
1150/3	09/406686	May 8, 2000	Aug 8, 2000
857160	I199/00146	May 8, 2000	Jun 8, 2000
320/9	09/123537	May 9, 2000	Aug 9, 2000
1296/1	09/085369	May 9, 2000	Aug 9, 2000
1582/1	09/253780	May 9, 2000	Aug 9, 2000
1477/3	29/114239	May 9, 2000	Aug 9, 2000
452/2	09/033664	May 9, 2000	Aug 9, 2000
1086/2	I199/00061	May 9, 2000	Jun 24, 2000
1523/2	US00/01639	May 10, 2000	Jul 10, 2000
1500/10	US00/00787	May 10, 2000	Jul 10, 2000
1429/4	09/374628	May 10, 2000	Aug 10, 2000
100/64	09/391185	May 10, 2000	Aug 10, 2000
1260/1	09/247588	May 10, 2000	Aug 10, 2000
1098/7	I199/00586	May 10, 2000	Jul 10, 2000
1477/4	29/114238	May 11, 2000	Aug 10, 2000
844/13	09/150834	May 11, 2000	Aug 11, 2000
1842/2	75/849579	May 11, 2000	Nov 11, 2000
1236/5	75/872605	May 11, 2000	Nov 11, 2000
27/147	US99/21520	May 11, 2000	Jul 11, 2000

MAIL RECEIVED DURING WEEK OF:

may 2000  
15 - 19

Reference No.	Serial No.	Date Received	Date Due
1188/12	PCT/US99/29943	may 16, 2000	Jul 10, 2000
205/96	09/307569	may 16, 2000	aug 16, 2000
1188/4	SI 99/00347	may 17, 2000	Jul 17, 2000
658/8	08/962117	may 17, 2000	aug 17, 2000
979/3	09/162721	may 19, 2000	aug 19, 2000

## MAIL RECEIVED DURING WEEK OF:

May 00  
22-26

Reference No.	Serial No.	Date Received	Date Due
1172/3	09/309873	May 22, 2000	Aug 22, 2000
1875/2	US00/30170	May 22, 2000	Aug 22, 2000
1418/1	09/154804	May 22, 2000	Aug 22, 2000
1257/4	09/259277	May 22, 2000	Aug 22, 2000
1032/1	08/953992	May 22, 2000	Aug 22, 2000
1844/1	09/494042	May 22, 2000	Aug 22, 2000
27/112	09/157531	May 23, 2000	Aug 23, 2000
988/1	09/261193	May 23, 2000	Aug 23, 2000
1172/1	09/104014	May 23, 2000	Aug 23, 2000
815/12	75/877651	May 23, 2000	Nov 23, 2000
74/77	09/472035	May 23, 2000	Jun 23, 2000
1123/5	09/232676	May 23, 2000	Aug 23, 2000
815/15	75/877650	May 23, 2000	Nov 23, 2000
988/11	US00/01640	May 23, 2000	Jul 23, 2000
1160/3	09/303643	May 23, 2000	Aug 23, 2000
978/20	09/435691	May 23, 2000	Aug 23, 2000
995/28	09/322979	May 23, 2000	Aug 23, 2000
681/19	09/263095	May 24, 2000	Aug 24, 2000
910/26	09/487716	May 24, 2000	Jun 25, 2000
630/26	09/140411	May 24, 2000	Aug 24, 2000
1346/6	09/245736	May 25, 2000	Aug 25, 2000
246/60	US00/07087	May 25, 2000	Jul 25, 2000
973/9	US00/01996	May 25, 2000	Jul 25, 2000
988/12	US00/04224	May 25, 2000	Jul 25, 2000
873/28	US99/19315	May 26, 2000	Jul 26, 2000
1076/6	09/295369	May 26, 2000	Aug 26, 2000

## MAIL RECEIVED DURING WEEK OF:

May 29-31 2000

June 1-2 2000

Reference No.

Serial No.

Date Received

Date Due

1578/1

09/327965

May 30, 2000

Aug 30, 2000

630/25

09/126379

May 30, 2000

Aug 30, 2000

716/27

75/390181

May 30, 2000

Nov 30, 2000

16/13

75/522693

May 30, 2000

Nov 30, 2000

1110/7

09/210541

May 31, 2000

Aug 31, 2000

1890/1

75/871241

May 31, 2000

Nov 30, 2000

416/108

08/908435

Jun 1, 2000

Sep 1, 2000

314/5

09/041755

Jun 2, 2000

Sep 2, 2000

1889/5

75/886724

Jun 2, 2000

Dec 2, 2000

1346/7

09/462389

Jun 2, 2000

Jul 2, 2000

## MAIL RECEIVED DURING WEEK OF:

June 5-9

2000

Reference No.	Serial No.	Date Received	Date Due
1114/4	09/322971	Jun 5, 2000	Sept 5, 2000
910/5	09/071739	Jun 5, 2000	Sept 5, 2000
1079/3	09/273268	Jun 6, 2000	Sept 6, 2000
26/250	09/268034	Jun 6, 2000	Sept 6, 2000
1630/2	US 00/07931	Jun 6, 2000	Aug 6, 2000
910/4	09/046475	Jun 6, 2000	Sept 6, 2000
264/7	09/026655	Jun 6, 2000	Sept 6, 2000
978/8	09/106488	Jun 6, 2000	Sept 6, 2000
172/27	09/288058	Jun 7, 2000	Sept 7, 2000
1172/2	09/143965	Jun 7, 2000	Sept 7, 2000
1841/1	09/443342	Jun 7, 2000	Sept 7, 2000
910/12	09/186200	Jun 7, 2000	Sept 7, 2000
510/C	75/883401	Jun 8, 2000	Dec 8, 2000
510/7	75/883400	Jun 8, 2000	Dec 8, 2000
325/3 1	09/134607	Jun 9, 2000	Sept 9, 2000
678/10	08/925166	Jun 9, 2000	Sept 9, 2000
973/8	US 99/15999	Jun 9, 2000	Aug 9, 2000

MAIL RECEIVED DURING WEEK OF:

June

12-16  
2000

Reference No.

Serial No.

Date Received

Date Due

1642/4	09/328405
1582/2	US00/04127
910/24	US99/15643
887/14	09/350933
1645/6	09/441072
348/16	09/142855
205/92	09/196690
1119/11	09/270792
55/22	09/152103
1251/6	US00/07088
910/53	US00/03353
1147/2	09/116493

Jun 12, 2000	Sept 9, 2000
Jun 12, 2000	Aug 12, 2000
Jun 12, 2000	Aug 12, 2000
Jun 13, 2000	Jul 13, 2000
Jun 13, 2000	Jul 13, 2000
Jun 13, 2000	Sept 13, 2000
Jun 13, 2000	Sept 13, 2000
Jun 13, 2000	Sept 13, 2000
Jun 14, 2000	Sept 14, 2000
Jun 14, 2000	Aug 14, 2000
Jun 14, 2000	Aug 14, 2000
Jun 14, 2000	Jul 14, 2000